

**REMARKS**

U.S. 6,201,867 (the '867 Patent) is directed to a phone cover case with interlocking halves to retain the case around the phone and does not anticipate or render obvious the claims, as amended. As emphasized in the specification of the '867 patent, we see no basis for the examiner to maintain that the '867 patent anticipates the claims, as amended. The '867 Patent does not disclose the use of flanges to specifically retain the phone cover bodies to the housing of the mobile phone. The '867 Patent requires the upper and lower phone cover case halves to interconnect by use of flanges 7 and recesses 9, as shown in Fig. 1. In particular, the flanges 7 of the '867 patent are facing in an outward direction and could not be used to secure the case to the housing of the mobile phone. Further, the upper case of the '867 patent does not even include flanges but uses recesses 9 that cooperate with flanges 7 to secure the case to the mobile phone.

**Summary**

Applicant's invention is a novel protective mask for use with a mobile phone comprising an upper cover body and a lower cover body. The upper and lower cover bodies are coupled to the housing of a mobile phone by use of flanges to effectively secure the covers to the phone housing to prevent abrasion of the mobile phone due to carelessness of a user, thereby preventing ill-favored scars on the mobile phone. The covers are molded to conform to the shape of the phone and include openings to permit access to buttons, touch screens and to allow viewing of displays. The protective mask, when in use, does not interfere with the functionality of the phone. Also, there is no

teaching or suggestion for providing an opening to allow for plugging in a power supply as required by the claims.

**a. Claims 1-4 and 6-11 are not anticipated by Koike 6,201,867**

In the office action, claims 1-11 were rejected under 35 U.S.C. 102 and 103 as being anticipated or rendered obvious by Koike 6,201,867. Applicant respectfully traverses the examiner's arguments.

Claims 1, 7 and 10 of the present application have been amended to require the upper and lower cover bodies to each independently engage the housing of the mobile phone to independently secure each of the cover bodies to the phone. The mobile phone cover illustrated and described in the '867 patent includes upper and lower phone covers that encapsulate the mobile phone and are secured to each other and not to the phone. The upper and lower covers of the '867 patent include tabs 7 and recesses 9 that interlock to secure the upper and lower covers together.

The phone cover illustrated and described in the '867 patent does not disclose upper and lower covers that include flanges to couple each of the covers independently to the phone housing as set forth in claims 1, 7 and 10, as amended. The ability to independently couple the upper and lower covers to the mobile phone housing independently of each other allows the phones to operate properly without interfering with the function of the phone, such as the case when the covers are use with a "flip-phone" or a "slider-phone." The cover disclosed in the '867 patent would not work with either a "flip-phone" or "slider-phone" because the interconnecting covers would prevent a user from either folding the flip-phone open or sliding keyboard out on the slider-

phone. Applicant's invention, as claimed, allows the retention of the functions of the flip-phone and slider-phone without interfering with the function of the phone.

Also, the inherent nature of the cover design of the '867 patent creates a bulky cover that is unattractive and undesirable by consumers. This is because the cover needs to be made wide enough to accommodate the recess and flange on the cover. This is unacceptable to consumers who desire thin phones such as Motorola's Razr phone. A bulky cover defeats the purpose of the slim design of the phone. Applicant's phone cover, as claimed, can be molded to conform to the exact shape of the phone without any excess width, since the covers are retained to the phone and not to each other. Applicant's cover appears to be part of the phone and adds little if any noticeable thickness to the phone. Thus, since the '867 patent does not teach a protective mask where each half of the cover bodies are secured to the phone it does not anticipate or render obvious claims 1, 7 and 10.

Claims 2-4 and 6 depend from claim 1, claims 8 and 9 depend from claim 7 and claim 11 depends from claim 10. Since claims 1, 7 and 10 are not anticipated or rendered obvious by the '867 patent, claims 2-4, 8-9 and 11 are also not anticipated or rendered obvious.

### **Conclusion**

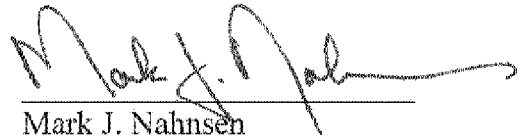
For the reasons stated above, applicant requests allowance of pending claims 1-4 and 6-11.

Please contact applicant's undersigned attorney if there are other issues which could assist in expediting prosecution of this application.

No fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account 12-0913 with reference to our attorney docket number 42598-103228.

Respectfully submitted:

Date: June 27, 2006



Mark J. Nahnsen  
Registration No. 51,093  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
312-357-1313